

MEMORANDUM

Agenda Item No. 16(A)(9)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE: October 7, 2003

FROM: George M. Burgess
County Manager

SUBJECT: Resolution Approving the
Exemption of the Town of Miami
Lakes from the Provisions of the
Miami-Dade County Stormwater
Utility Ordinance

RECOMMENDATION

It is recommended that the Board, acting as the governing body of the Miami-Dade County Stormwater Utility, approve by the attached resolution, authorizing the exemption of the Town of Miami Lakes from the provisions of the Miami-Dade County Stormwater Utility Ordinance.

BACKGROUND

The Miami-Dade County Stormwater Utility (Utility) was established as a countywide utility by the Miami-Dade County Board of County Commissioners' adoption of Ordinance 91-66, on June 18, 1991. Through this ordinance the utility is authorized to adopt and collect stormwater utility fees sufficient to plan, construct, operate and maintain stormwater management systems on a countywide basis.

On October 17, 1995, the Board adopted Ordinance 95-195, amending Section 24-61.2 of the Code of Miami-Dade County, Stormwater Utility Ordinance, thereby granting municipalities the option of obtaining an exemption from the Utility and in turn creating a local stormwater utility. The Town of Miami Lakes passed and adopted resolution number 03-116 on January 14, 2003, notifying the Board that, retroactively effective to October 1, 2002, the Town desires to exercise its option to be exempt from the provisions of Section 24-61.2 of the Code of Miami-Dade County, and to establish a stormwater utility within the municipal limits and territorial boundaries of the Town of Miami Lakes in furtherance and implementation of the provisions of Section 403.0893(1), (2) or (3), Florida Statutes. The exemption of the Town of Miami Lakes from the provisions of the Stormwater Utility will not have a fiscal impact on the County.



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: October 7, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 16(A)(9)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No. 16 (A) (9)

Veto _____

10-07-03

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE EXEMPTION OF
THE TOWN OF MIAMI LAKES FROM THE
PROVISIONS OF THE MIAMI-DADE COUNTY
STORMWATER UTILITY ORDINANCE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board, acting as the governing body of the Miami-Dade County Stormwater Utility, hereby approves the exemption of the Town of Miami Lakes from the provisions of Article IV, Chapter 24 of the Code of Miami-Dade County, Florida (the Miami-Dade County Stormwater Utility Ordinance), retroactively effective to October 1, 2002.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson

Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro

Betty T. Ferguson

Joe A. Martinez

Dennis C. Moss

Natacha Seijas

Sen. Javier D. Souto

Jose "Pepe" Diaz

Sally A. Heyman

Jimmy L. Morales

Dorrin D. Rolle

Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of October, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. PS

Peter S. Tell

By: _____
Deputy Clerk



Town Of Miami Lakes

6853 Main Street • Miami Lakes, Florida 33014
(305) 364-6100/Fax (305) 558-8511
www.townofmiamilakes.com

MAYOR
Wayne Slaton

April 30, 2003

VICE MAYOR
Roberto Alonso

COUNCILMEMBERS
Mary Collins
Robert Meador II
Michael Pizzi
Nancy Simon
Peter Thomson

Mr. Herb Balfour, Assistant to the Director
Miami-Dade County
Environmental Resources Management
33 S.W. 2nd Avenue, Suite # PH2
Miami, FL 33130-1540

TOWN MANAGER
Alex Rey

TOWN CLERK
Beatris M. Arguelles

Re: Storm Water Utility

Dear Mr. Balfour:

It was a pleasure meeting you the other day in your office. As I promised, I have enclosed the "Certified" copies of the following items:

Resolution number 03-116; which refers Town exercising its option to exempt the Town from inclusion in the County's Storm Water Utility.

Ordinance number 03-31; which authorized establishment of the Storm Water Utility fee system, method of and procedure for the collection of fees.

Ordinance number 03-32; which authorized the establishment of the Storm Water Utility fee structure.

If you have any questions, please contact me directly at (305) 364-6100 ext# 240.

Thank you,

Rafael G. Casals
Assistant Town Manager

ORDINANCE NO. 03-31

AN ORDINANCE OF TOWN OF MIAMI LAKES, FLORIDA, CREATING A STORMWATER UTILITY SYSTEM FOR THE TOWN; PROVIDING AUTHORITY; PROVIDING FOR DEFINITIONS; MAKING CERTAIN FINDINGS AND DETERMINATIONS; ESTABLISHING A STORMWATER UTILITY FEE SYSTEM; ESTABLISHING A METHOD AND PROCEDURE FOR THE COLLECTION OF STORMWATER UTILITY FEES; PROVIDING FOR REQUESTS FOR ADJUSTMENT; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town is currently part of the Miami-Dade County Stormwater Utility and, as part of the Utility, Miami-Dade County is responsible for the maintenance of the Town's stormwater management system; and

WHEREAS, by the adoption of Resolution No. 03-319 the Town has exercised its option to be exempt from the provisions of the Miami-Dade County Stormwater; and

WHEREAS, by creating the Utility the Town will become responsible for the ownership, maintenance and expansion of the existing stormwater management system located within the Town's limits for the purpose of collecting and disposing of storm and other surface water; and

WHEREAS, the Town finds that although each developed property in the Town has varying degrees of water retention, all properties contribute to some extent to the Town's stormwater drainage problems and that all citizens will benefit from the establishment of a Stormwater Utility; and

WHEREAS, the fee structure set forth herein represents a logical, reasonable and rational basis for allocating the costs for a Stormwater Utility to the several types of developed properties of

(Coding: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.)

ORDINANCE NO. 03-31

AN ORDINANCE OF TOWN OF MIAMI LAKES, FLORIDA, CREATING A STORMWATER UTILITY SYSTEM FOR THE TOWN; PROVIDING AUTHORITY; PROVIDING FOR DEFINITIONS; MAKING CERTAIN FINDINGS AND DETERMINATIONS; ESTABLISHING A STORMWATER UTILITY FEE SYSTEM; ESTABLISHING A METHOD AND PROCEDURE FOR THE COLLECTION OF STORMWATER UTILITY FEES; PROVIDING FOR REQUESTS FOR ADJUSTMENT; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town is currently part of the Miami-Dade County Stormwater Utility and, as part of the Utility, Miami-Dade County is responsible for the maintenance of the Town's stormwater management system; and

WHEREAS, by the adoption of Resolution No. 03-319 the Town has exercised its option to be exempt from the provisions of the Miami-Dade County Stormwater; and

WHEREAS, by creating the Utility the Town will become responsible for the ownership, maintenance and expansion of the existing stormwater management system located within the Town's limits for the purpose of collecting and disposing of storm and other surface water; and

WHEREAS, the Town finds that although each developed property in the Town has varying degrees of water retention, all properties contribute to some extent to the Town's stormwater drainage problems and that all citizens will benefit from the establishment of a Stormwater Utility; and

WHEREAS, the fee structure set forth herein represents a logical, reasonable and rational basis for allocating the costs for a Stormwater Utility to the several types of developed properties of

(Coding: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions.)

the Town and based upon the relative contribution of such developed properties to the need for the Stormwater Management System; and

WHEREAS, the purpose and intent of this ordinance is to establish a Town-wide stormwater utility in furtherance of the provisions of Section 403.0893(1), Florida Statutes, the Town of Miami Lakes Comprehensive Plan, to insure compliance with the Federal Clean Water Act, the Environmental Protection Agency Stormwater NPDES Permitting Program, Rule 62-25, Florida Administrative Code, and to adopt stormwater utility fees sufficient to plan, fund, construct, operate and maintain a local stormwater management system pursuant to Section 403.0891(3), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. A new section of the Town Code entitled, "Stormwater Utility System" is hereby created as follows:

"STORMWATER UTILITY SYSTEM"

Sec. 1. Authority.

(a) As authorized by the Town's Home Rule authority and Section 403.0893(1), Florida Statutes, as amended, a municipal stormwater utility within the geographic boundaries of the Town of Miami Lakes implementing the provisions of Section 403.0893(1), Florida Statutes which shall be known as the Miami Lakes Stormwater Utility (the "Utility") is created.

(b) The Utility shall be a public body corporate and politic which, through its governing body may exercise all those powers specifically granted herein, those powers granted by law and those powers necessary in the exercise of those powers herein enumerated.

(c) The governing body of the Utility shall be the Town Council.

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(d) The Utility shall be responsible for the operation, maintenance, and governance of a Town wide stormwater utility to plan, construct, operate and maintain the Town's Stormwater Management System.

(e) The Town Manager shall be the Director of the Utility.

(f) The Utility Director shall prescribe the organization and operating procedures of the Utility. The Utility Director shall employ such consultants and employees as may be necessary to operate the Utility.

Sec. 2. Definitions.

The following, when used in this Ordinance, shall have the meanings ascribed in this section, except where the context clearly indicates a different meaning:

(a) "Developed Property" shall mean any parcel of land that contains an impervious area.

(b) "Dwelling" shall mean any building that is wholly or partly used or intended to be used for living, sleeping, cooking and eating.

(c) "Dwelling Unit" shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating.

(d) "ERU" ("Equivalent Residential Unit") shall mean the statistically estimated average of impervious area of residential developed properties per dwelling unit. The estimated average (which equals 2,800 square feet) is calculated by dividing the total estimated impervious area of residential properties by the estimated total number of dwelling units.

(e) "Impervious Area" shall mean the horizontal ground surface that is incapable of being penetrated by rainwater. This shall include, but not be limited to, all structures, roof extensions, slabs, patios, porches, asphalt, driveways, sidewalks, parking areas, and decks.

(f) "Nonresidential Developed Property" shall mean any parcel of land that contains an impervious area and that is classified by the Miami-Dade County Property Appraiser as land use types 10 through and including 99, as set forth in Florida Administrative Code Rule 12D-8.008(2)(c), as amended from time to time.

(g) "Residential Developed Property" shall mean any parcel of land that contains an impervious area and is classified by the Miami-Dade County Property Appraiser

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as land use types 00 through and including 09 as set forth in Florida Administrative Code Rule 12D-8.008(2)(c), as amended from time to time.

(h) "Stormwater Infrastructure" shall mean the structural, non-structural or natural features of a parcel of land or watershed which collect, convey, store, absorb, inhibit, treat, use, reuse, or otherwise affect the quantity or quality of stormwater.

(i) "Stormwater" shall mean the surface water runoff that results from rainfall.

(j) "Stormwater Management System" (or the "System") shall have the meaning specified by Section 403.031(16), Florida Statutes, as amended from time to time.

(k) "Stormwater Utility" shall have the meaning specified by Section 403.031(17), Florida Statutes, as amended from time to time.

(l) "Stormwater Utility Fund" shall mean that separate Fund established by the Town for the deposit and use of all Stormwater Utility Fees collected.

(m) "Stormwater Utility Fee" shall have the meaning specified by Section 403.0893, Florida Statutes, as amended from time to time.

Sec. 3. Findings and Determinations.

It is hereby determined and declared as follows:

(a) The Town desires to create a Stormwater Management System to maintain and improve water quality, to control flooding that results from rainfall events, to deter unmanaged rainwater from eroding sandy soils, to deter the disruption of the habitat of aquatic plants and animals and to provide for the collection of Stormwater Utility Fees for those expenses connected with the planning, constructing, operating and maintaining of a Stormwater Management System.

(b) The collection of and disposal of stormwater and regulation of groundwater are of benefit to all property within the Town including property not currently served by the System.

(c) The cost of operating and maintaining the System should, to the extent practicable, be allocated in relationship to the contributions to the system.

Sec. 4. Stormwater Utility Fee.

(a) A Stormwater Utility Fee is assessed against each Developed Property within the Town for services and facilities provided by the Stormwater Management

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System. The rate per ERU to be used in calculating Stormwater Utility Fees shall be set by a separate ordinance of the Town Council after a Public Hearing.

(b) The Utility Director or his/her designee is directed to prepare a list of lots and parcels within the Town and to assign a classification of Single-family Dwelling Unit, Multi-family Dwelling Unit, or Nonresidential Developed Property to each lot or parcel.

(c) ERUs shall be assigned as follows:

- (1) Single Family Dwelling Units: 1.0 ERU.
- (2) Multi-family Dwelling Units: 1.0 ERU per Dwelling Unit.
- (3) Non-Residential Developed Properties: shall be assigned ERUS on the basis on one ERU per 2,800 square feet of Impervious Area.

(d) The following criteria shall be used to calculate Stormwater Utility Fees:

- (1) Each Single-Family Dwelling Unit, Multi-family Dwelling Unit and Nonresidential Developed Property shall be assessed a Stormwater Utility Fee calculated by multiplying the rate for one ERU by the number of ERUs provided in Sections 4(c)(1), (2) and (3), respectively.
- (2) For the purpose of calculating Stormwater utility Fees, the calculation of ERUs is based upon property usage. The property usage shall be determined by the Town based on, but not be limited by, state and county land use codes, occupational licenses and site inspections.
- (3) Any authorized representative of the Town shall have access to the properties at any reasonable time for the purpose of determining property usage for the purpose of calculating Stormwater Utility Fees and obtaining billing account information.
- (4) The number of ERUS calculated for each account shall be rounded up to the nearest whole number.
- (5) The minimum charge assessed against each Developed Property shall be one (1) ERU.

(e) The fees owed to the Town and collected by the Miami-Dade County Water and Sewer Department (WASD) with respect to the Stormwater Utility, together

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with investment earnings thereon, shall be deposited in the Stormwater Utility Fund and shall be used exclusively for planning, constructing, financing, operating and maintaining the Stormwater Utility and the infrastructure of the Stormwater Management System. The Town may pledge such fees as security for indebtedness incurred by it in connection with the Stormwater Utility and the Stormwater Management System.

Sec. 5. Collection of Stormwater Utility Fee; Liens.

- (a) The Stormwater Utility Fee shall be shown as a separate item on WASD bills (or as shown on a stormwater utility bill if no water bill is issued) and shall be paid by the owner, tenant or occupant in possession of the premises at the same time and in the same manner as is provided in WASD regulations for the payment of bills. For properties not receiving monthly utility bills for other services, the bill or statement for the Stormwater Utility Fee shall be sent to the owner of the property as determined from the tax rolls by the Town. The Utility Director may render annual or semi-annual billing on such properties if determined to be in the best interest of the Town.
- (b) The Stormwater Utility Fee shall be billed to the owner, tenant or occupant of each Developed Property. If the Stormwater Utility Fee is not fully paid by the owner, tenant or occupant on or before the past due date set forth on the owner's, tenant's or occupant's bill, a ten percent (10%) late charge may be added to the bill. Any unpaid balance of the owner, tenant or occupant for a Stormwater Utility Fee shall be subject to an interest charge at a rate of eight percent (8%) per annum. Imposition of this interest charge shall commence 60 days after the past due date of the fees set forth on the bill of the owner of the Developed Property. WASD is authorized to act as the Town's agent for the purpose of billing and collecting Stormwater Utility Fees. Stormwater Utility Fees shall be billed by WASD in the same manner and subject to the same rules and regulations governing WASD's water and sewer bills, including, but not limited to, the right to discontinue service. Fees and late charges, together with any interest charges, shall be debts due and owing the Town's Stormwater Utility.
- (c) All Stormwater Utility Fees, late charges and interest accruing thereupon, due and owing to the Town's Stormwater Utility which remain unpaid 60 days after the past due date shall become a lien against and upon the Developed Property for which the Stormwater Utility Fees are due and owing to the same extent and character as a lien for a special assessment. Until fully paid and discharged, such fees, late charges, and interest accrued shall constitute a special assessment lien equal in rank and dignity

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with the liens of Town ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles, and claims in, to or against the Developed Property involved for the period of five years from the date such Stormwater Utility Fees, late charges, and interest accrued thereupon became a lien as set forth in this ordinance. This lien may be enforced and satisfied by the Town pursuant to Chapter 173, Florida Statutes, as amended from time to time, or by any other method permitted by law. The lien provided for in this sub-section shall not be deemed to be in lieu of any other legal remedies for recovery of such fee, late charges, and accrued interest available to the Town.

- (d) For Stormwater Utility Fees which become more than 60 days past due and unpaid, the Town shall cause to be filed in the office of the Clerk of the Circuit Court of Miami-Dade County, Florida, a notice of lien or statement showing a legal description of the Developed Property against which the lien is claimed, its location by street and number, the name of the owner, and an accurate statement of the fees and late charges then unpaid. A copy of such notice of lien shall be mailed within a reasonable time to the owner of the Developed Property involved as shown by the records of the tax collector of Miami-Dade County. No such lien shall be enforceable by the Town unless this notice is filed within six months from the date the fees and late charges become a lien as established in this section.
- (e) Liens may be discharged and satisfied by payment to the Town of the aggregate amounts specified in the notice of lien, together with interest accrued, and all filing and recording fees. When any such lien has been fully paid or discharged, the Town shall cause evidence of the satisfaction and discharge of such lien to be filed with the office of the Clerk of the Circuit Court of Miami-Dade County, Florida.
- (f) Notwithstanding other provisions to the contrary, the Utility Director shall have the discretion not to file notices of lien for fees, late charges, and interest accrued in an amount less than fifty dollars (\$50.00). If the Utility Director elects not to file a notice of lien, such fees, late charges, and accrued interest shall remain as debts due and owing in accordance with section (b) above.
- (g) The owner of Developed Property is ultimately responsible for all unpaid fees established under this section.
- (h) The Utility Director or his designee is authorized and directed to certify upon written request the amount of fees, late charges and interest accrued,

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which are due and owing to the Town for any Developed Property which is subject to payment of said fees, or the Town Manager may certify that no fees, late charges or accrued interest are due and owing.

Sec. 6. Request for Adjustment.

The owner, tenant or occupant may request an adjustment of the Stormwater Utility Fees assessed against a parcel of Developed Property. The Utility Director or his designee shall be authorized to adjust the stormwater utility fee upon determination that the property should not be subject to the assessment of a fee or that the calculated fee is incorrect. The procedure to request an adjustment shall be as follows:

- (a) All requests shall be in writing and set forth in detail the grounds upon which relief is sought.
- (b) All adjustment requests shall be submitted no later than 30 calendar days from the date of the bill under dispute.
- (c) The owner, tenant or occupant requesting the adjustment may be required, at his own cost, to provide supplemental information to the Utility Director, including, but not limited to, survey data and engineering reports approved by either a registered professional land surveyor (R.P.L.S.) or professional engineer (P.E.). Failure to provide such information may result in denial of the adjustment request.
- (d) The Utility Director shall provide the person requesting the adjustment with a written determination of the request. Any adjustments shall be prorated monthly.
- (e) No adjustment may be requested unless the Stormwater Utility Fee is first paid to the Town."

Section 2. Repeal of Conflicting Ordinances. Article IV of Chapter 24 of the Miami-Dade County Code, concerning the same subject matter, as made applicable to the Town by Article VIII, Sections 8.3 of the Town Charter, is hereby repealed and replaced. Notwithstanding the foregoing, for the purposes of the collection of past due fees assessed prior to the effective date of this ordinance, the prior provisions of Chapter 24 of the Town Code shall remain in effect.

Ordinance No. _____

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is the intention of the Town Council , and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Town of Miami Lakes; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Councilmember Collins, who moved its adoption on first reading. The motion was seconded by Councilmember Simon and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	<u>Yes</u>
Councilmember Robert Meador, II	<u>Yes</u>
Councilmember Michael Pizzi	<u>Yes</u>
Councilmember Nancy Simon	<u>Yes</u>
Councilmember Peter Thomson	<u>Yes</u>
Vice Mayor Roberto Alonso	<u>Yes</u>
Mayor Wayne Slaton	<u>Yes</u>

PASSED AND ADOPTED on first reading this 14th day of January, 2003.

Ordinance No. _____

The foregoing Ordinance was offered by Councilmember Collins, who moved its adoption on second reading. The motion was seconded by Councilmember Meador, and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	<u>Yes</u>
Councilmember Robert Meador, II	<u>Yes</u>
Councilmember Michael Pizzi	<u>Yes</u>
Councilmember Nancy Simon	<u>Yes</u>
Councilmember Peter Thomson	<u>Yes</u>
Vice Mayor Roberto Alonso	<u>Yes</u>
Mayor Wayne Slaton	<u>Yes</u>

PASSED AND ADOPTED on second reading this 11th day of March 2003.

Wayne Slaton
WAYNE SLATON, MAYOR

ATTEST:

Beatris M. Arguelles
BEATRIS M. ARGUELLES, CMC
TOWN CLERK

APPROVED AS TO FORM:

Tim Baulo
WEISS, SEROTA, HELFMAN, PASTORIZA & GUEDES
TOWN ATTORNEY

Ordinance No. 0331
10

RESOLUTION NO. 03- 116

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA (THE "TOWN"); NOTIFYING THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA (THE "COUNTY") AND THE DIRECTOR OF THE MIAMI-DADE COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT ("DERM") AS REQUIRED BY SECTION 24-61 OF THE MIAMI-DADE COUNTY CODE (THE "CODE"); THAT THE TOWN EXERCISES ITS OPTION TO EXEMPT THE TOWN FROM INCLUSION IN THE COUNTY'S STORMWATER UTILITY; COMMITTING TO ESTABLISH A STORMWATER UTILITY WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN IN ACCORDANCE WITH SECTIONS 403.0893(1) (2) or (3), FLORIDA STATUTES; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AN INTERLOCAL AGREEMENT WITH THE COUNTY FOR THE COLLECTION OF THE TOWN'S STORMWATER UTILITY FEES; AUTHORIZING THE TOWN CLERK TO SEND COPIES OF THIS RESOLUTION TO THE APPROPRIATE OFFICIALS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town is currently part of the Miami-Dade County Stormwater Utility (the "Utility"); and

WHEREAS, pursuant to Section 24-61, et seq., of the County Code, the Town may opt out of the Utility upon committing to implement the provisions of Section 403.0893(1), (2) or (3), Florida Statutes, by creating a stormwater utility and adopting stormwater utility fees sufficient to plan, construct, operate and maintain a stormwater management system; and

WHEREAS, the Town's engineers have prepared a stormwater master plan and as part of the plan, the Town Council intends on establishing a stormwater utility within the municipal boundaries of the Town; and

WHEREAS, the Town Council desires to exercise its option to exempt the Town from the County's Utility.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

Section 1. Recitals. The above recitals are true and correct and incorporated herein by this reference.

Section 2. Notification. The Town of Miami Lakes notifies the Board of County Commissioners of the County and the Director of DERM that it exercises its option to be exempted from the provisions of the County Stormwater Utility as provided in Section 24-61, et seq., of the County Code.

Section 3. Commitment. The Town of Miami Lakes commits to implement the applicable provisions of Section 403.0893(1), (2) or (3), Florida Statutes, to create and fund a stormwater utility within the municipal boundaries of the Town.

Section 4. Authorization. The Town Manager is authorized to negotiate with the County an Interlocal Agreement for the collection of the Town's stormwater utility fees.

Section 5. Clerk's Notification. The Town Clerk is directed to file a certified copy of this Resolution with the Clerk of the Board of County Commissioners and the Director of DERM.

Section 6. Effective Date. This Resolution shall be effective immediately upon its adoption; however, the provisions of Section 2 shall be retroactive to October 1, 2002.

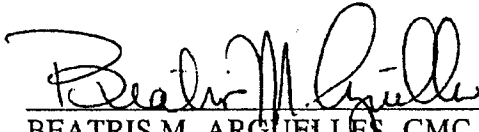
PASSED AND ADOPTED this 14th day of January, 2003.



WAYNE SLATON, MAYOR

Resolution No. 03- 116

ATTEST:


BEATRIS M. ARGUELLES, CMC
TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:


WEISS, SEROTA, HELFMAN, PASTORIZA & GUEDES, P.A.
TOWN ATTORNEY

Resolution No. 03-116

3

ORDINANCE NO. C3-32

AN ORDINANCE OF TOWN OF MIAMI LAKES, FLORIDA ESTABLISHING THE RATE OF THE STORMWATER UTILITY FEE FOR THE TOWN OF MIAMI LAKES STORMWATER MANAGEMENT SYSTEM; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 403.0893, Florida Statutes, the Town has considered the minimum stormwater utility fees sufficient to plan, construct, operate and maintain the Town's stormwater management system; and

WHEREAS, the Town Manager, upon advice and recommendation of the Town's engineers, has recommended to the Town Council a Stormwater Utility Fee rate in order to fund drainage improvements and to maintain the effectiveness of existing drainage facilities; and

WHEREAS, the Town Council has held a public hearing to adopt the Utility Fee.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. A new section of the Town Code entitled, "Stormwater Utility Fee" is created to read as follows.

"STORMWATER UTILITY FEE"

Sec. 1. The rate to be charged for the Stormwater Utility Fee for each Equivalent Residential Unit ("ERU") shall be Four dollars and fifty cents (\$ 4.50) per month.

(Coding: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions.)

Sec. 2. The rate approved in Section 1 may be amended by the Town Council by resolution after a public hearing.

Sec. 3. That the foregoing Stormwater Utility Fee rate shall become effective on and be applied to all bills for the Town's Stormwater Management System issued on or after April 1, 2003."

Section 2. Repeal Of Conflicting Provisions. Article IV of Chapter 24 of the Miami-Dade County Code, concerning the same subject matter, as made applicable to the Town by Article VIII, Sections 8.3 of the Town Charter, is hereby repealed and replaced. Notwithstanding the foregoing, for the purposes of the collection of past due fees assessed prior to the effective date of this ordinance, the prior provisions of Chapter 24 of the Town Code shall remain in effect.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion In The Code. It is the intention of the Town Council that the provisions of this Ordinance shall become and made a part of the Town of Miami Lakes Code; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such

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intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Councilmember Collins, who moved its adoption on first reading. The motion was seconded by Vice Mayor Alonso and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	<u>Yes</u>
Councilmember Robert Meador, II	<u>Yes</u>
Councilmember Michael Pizzi	<u>Yes</u>
Councilmember Nancy Simon	<u>Yes</u>
Councilmember Peter Thomson	<u>Yes</u>
Vice Mayor Roberto Alonso	<u>Yes</u>
Mayor Wayne Slaton	<u>Yes</u>

PASSED AND ADOPTED on first reading this 11th day of February, 2003.

The foregoing Ordinance was offered by Councilmember Collins, who moved its adoption on second reading. The motion was seconded by Councilmember Meador, and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	<u>Yes</u>
Councilmember Robert Meador, II	<u>Yes</u>
Councilmember Michael Pizzi	<u>Yes</u>
Councilmember Nancy Simon	<u>Yes</u>
Councilmember Peter Thomson	<u>Yes</u>
Vice Mayor Roberto Alonso	<u>Yes</u>
Mayor Wayne Slaton	<u>Yes</u>

PASSED AND ADOPTED on second reading this 11th day of March, 2003.

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Wayne Slaton
WAYNE SLATON, MAYOR

ATTEST:

Beatris M. Arguelles
BEATRIS M. ARGUELLES, CMC
TOWN CLERK

APPROVED AS TO FORM:

W B Q
WEISS, SEROTA, HELFMAN, PASTORIZA & GUEDES, P.A.
TOWN ATTORNEY

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